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**COMMERCE SECRETARY DISAPPOINTED AT FEDERAL COURT RULING
U.S. also lifts tuna import embargo against Mexico.**

Secretary of Commerce William M. Daley is disappointed with yesterday's ruling that halted implementation of a new U.S labeling standard, developed as a part of an international conservation program to protect dolphins in the eastern tropical Pacific Ocean.

This new labeling standard allowed fishermen to use the dolphin-safe label on tuna they caught using techniques that reduce dolphin deaths by 99 percent. The effect of this ruling is to prevent some tuna imports considered dolphin-safe from entering this country with a dolphin-safe label.

"There's a consensus among many environmental groups, including World Wildlife Fund, the Center for Marine Conservation, and the Environmental Defense Fund, that our actions are the right thing to do to protect dolphins during tuna fishing operations," said Daley.

"The United States cannot unilaterally protect dolphins from fishing practices on the high seas," Daley added. "The only incentive that the international fishing fleet has is access to our markets. If they can't sell their tuna here, they'll sell it to countries that do not require the same labeling standards. And the environmental groups that support us also understand this concern, saying that international problems demand international solutions.

"The U.S. has negotiated an effective international agreement with other tuna fishing nations, who are looking to this country for leadership. This ruling puts that leadership at risk," Daley said.

The court ruled that the agency did not act in accordance with the law because it did not adequately consider preliminary results from stress studies on dolphins in the eastern tropical Pacific Ocean. According to the court, the Marine Mammal Protection Act required that this preliminary data be considered before the initial finding was released.

The Department of Commerce is working expeditiously with the Justice Department to review the decision for a possible appeal.

“We have done our homework on this. We’ve completed a literature study. We’ve placed observers on fishing vessels to conduct necropsy studies, which are currently underway. We will also begin to conduct additional field studies that will help us determine the stress on dolphin stocks caused by chase and encirclement fishing,” Daley said.

The International Dolphin Conservation Program Act directs the agency to initiate studies of the status of ETP dolphin stocks and the effect of stress from chase and encirclement. The IDCPA required an initial finding between March 1 and March 31, 1999, on whether chase and encirclement is having a significant adverse impact on these stocks. At that time, the agency conducted the first year of stock abundance surveys and an extensive review of data on dolphin interactions with tuna fishing. The completed portions of the research study did not demonstrate that depleted dolphin stocks are significantly adversely affected by the encirclement fishing practice. Accordingly, the IDCPA required the secretary to make the labeling standard change. This determination is to be followed by a final finding which is to be made between July 1, 2001 and Dec. 31, 2002.

NOAA Fisheries relied on the best available information in making its initial finding. This information included the results of the first year population abundance data gathered at sea by NOAA Fisheries scientists, comprehensive review of scientific literature on stress in marine mammals, current and historical environmental information from the ETP, and other available data.

The stress studies are multifaceted, multi-year studies that are ongoing and were designed to be completed in time for consideration in the final decision. Since no U.S. vessels currently fish for tuna in association with dolphins, NOAA Fisheries is dependent on cooperation of foreign fleets to collect tissue samples from dolphins that have been chased. Another study, involving repeated chase and release of dolphins has required extensive planning and consultation with other agencies, scientists, and environmental groups. International coordination of this type is time consuming and the initiation of these studies was delayed so that information from them was not available for consideration in making the initial finding.

In a separate action, Secretary Daley also lifted the restrictions on Mexican tuna imports. However, those imports now will have to comply with the old labeling standard, in accordance with yesterday’s court action.